

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1503 Management of Wastewater
SPONSOR(S): Environment & Natural Resources Council; Aubuchon
TIED BILLS: **IDEN./SIM. BILLS:** SB 1634

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Environmental Protection</u>	<u>8 Y, 0 N</u>	<u>Deslatte</u>	<u>Kliner</u>
2) <u>Environment & Natural Resources Council</u>	<u>13 Y, 0 N, As CS</u>	<u>Deslatte / Perkins</u>	<u>Dixon / Hamby</u>
3) <u>Policy & Budget Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

The bill requires that when the Department of Health (DOH) issues a health advisory against swimming in beach waters on the basis of finding elevated levels of fecal coliform or enterococci bacteria in a water sample, the Wastewater Compliance Evaluation Section of the Department of Environmental Protection (DEP) must investigate wastewater facilities within one mile of the affected beach to determine if a wastewater treatment facility experienced an incident that may have contributed to the contamination. The DOH must notify the municipality or county in which the affected beach is located of the health advisory. DEP, upon completion of its investigation or discovery of an incident at a wastewater treatment facility, must notify the municipality or county in which the affected beach is located of the results of the investigation.

The bill does not appear to have a significant fiscal impact on state or local government.

The bill has an effective date of July 1, 2008.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government: When the Department of Health (DOH) issues a health advisory against swimming in beach waters on the basis of finding elevated levels of fecal coliform or enterococci bacteria in a water sample, the Wastewater Compliance Evaluation Section of the Department of Environmental Protection (DEP) must investigate wastewater facilities within one mile of the affected beach to determine if a wastewater treatment facility experienced an incident that may have contributed to the contamination. The DOH must notify the municipality or county in which the affected beach is located of the health advisory. DEP, upon completion of its investigation or discovery of an incident at a wastewater treatment facility, must notify the municipality or county in which the affected beach is located of the results of the investigation.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

The DEP regulates wastewater treatment facilities in accordance with the statutory authority established in Chapter 403, F.S., and Chapter 62 of the Florida Administrative Code (FAC). The wastewater facilities that pose the greatest threat of bacteria contamination are the facilities which collect and treat sewage. The majority of these types of facilities are owned and operated by municipal governments. As part of their operating permit, these facilities are required to monitor and report effluent quality to the DEP on a regular basis. The facilities are also inspected on a routine schedule. All wastewater facilities are required to immediately report any non-compliance, including any spills from their collection system, to the DEP and provide a written report within five days indicating the corrective actions taken to correct the violation. Facilities are able to provide the required notification by calling a 24-hour, toll-free hotline operated by the State Warning Point. When a spill directly affects surface waters or if it poses a threat to the public health, then the State Warning Point and/or the DEP also notifies the Department of Health (DOH). Once properly resolved, the facility should no longer continue being a significant source of bacteria contamination.

Other significant sources of bacteria, which do not have nearly the amount of monitoring or oversight as the DEP has over wastewater facilities, would be privately owned septic tanks, marinas and storm water runoff. These sources also pose a threat to beach waters.

The Wastewater Compliance Evaluation (WCE) Section serves to facilitate statewide coordination of compliance and enforcement activities as well as to promote better information management for the state's permitted domestic and industrial wastewater facilities. In fulfilling these roles, the WCE coordinates development and use of several wastewater information management systems. These systems are vital for tracking wastewater facility compliance and evaluating regulatory compliance for wastewater facilities on a statewide basis. These information systems include not only those specifically dedicated to tracking compliance and enforcement activities, but also those systems dedicated to maintaining an accurate inventory of wastewater facilities in the state.

Effects of Proposed Changes

The bill states that when the DOH issues a health advisory against swimming in beach waters on the basis of finding elevated levels of fecal coliform or enterococci bacteria in a water sample, the Wastewater Compliance Evaluation Section of the DEP must investigate wastewater facilities within one mile of the affected beach to determine if a wastewater treatment facility experienced an incident that may have contributed to the contamination. The DOH must notify the municipality or county in which the affected beach is located of the health advisory. DEP, upon completion of its investigation or

discovery of an incident at a wastewater treatment facility, must notify the municipality or county in which the affected beach is located of the results of the investigation.

C. SECTION DIRECTORY:

Section 1: Amends s. 514.023, F.S., requiring when certain health advisories prohibiting swimming in beach waters are issued, the Wastewater Compliance Evaluation Section of DEP to investigate wastewater facilities within one mile of the affected beach to determine if a wastewater treatment facility experienced an incident that may have contributed to the contamination; requiring DOH to notify the municipality or county in which the affected beach is located of the health advisory; requiring DEP to notify the municipality or county in which the affected beach is located of the results of the investigation.

Section 2. Provides an effective date of July 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

3. Revenues:

None.

4. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The DEP reports existing wastewater facilities must already report and promptly correct any effluent quality exceedances.

D. FISCAL COMMENTS:

The DEP reports there would be a negligible fiscal impact to the department.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No Sponsor Statement Submitted

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On April 9, 2008, the Environment & Natural Resources Council amended and passed HB 1503 favorably as a committee substitute (CS).

The CS states that when the DOH issues a health advisory against swimming in beach waters on the basis of finding elevated levels of fecal coliform or enterococci bacteria in a water sample, the Wastewater Compliance Evaluation Section of the DEP must investigate wastewater facilities within one mile of the affected beach to determine if a wastewater treatment facility experienced an incident that may have contributed to the contamination. The DOH must notify the municipality or county in which the affected beach is located of the health advisory. DEP, upon completion of its investigation or discovery of an incident at a wastewater treatment facility, must notify the municipality or county in which the affected beach is located of the results of the investigation.

The original bill requires the Wastewater Compliance Evaluation Section of the DEP to identify the source of any bacteria contamination which results in a health advisory that prohibits swimming in beach waters. The bill also requires the DEP, within 5 days after discovering that a wastewater facility is in violation, to notify each county and municipality within a 5-mile radius of the facility. The notice must be provided in writing for each violation discovered.